

Vilsack, 1:21-cv-548 (E.D. Wis.); *Wynn v. Vilsack*, 3:21-cv-514 (M.D. Fla.); *Carpenter v. Vilsack*, 21-cv-103 (D. Wyo.); *Kent v. Vilsack*, 21-cv-540 (S.D. Ill.); *McKinney v. Vilsack*, 21-cv-212 (E.D. Tex.); *Joyner v. Vilsack*, 21-cv-1089 (W.D. Tenn.). On June 7, Plaintiff moved for a preliminary injunction, seeking to “halt” Section 1005’s implementation. ECF No. 7.

As Defendants’ attached Response brief shows, the additional pages over the limit are necessary to address the merits of all claims raised in Plaintiff’s Complaint and relied on in support of their Motion for a Preliminary Injunction, and to address all other preliminary injunction factors. In particular, Defendants’ arguments on the merits of Plaintiff’s equal protection claim challenging Section 1005’s implementation require the Government to show that it had a strong basis in evidence to conclude that the effects of discrimination against minority farmers in USDA programs persist, such that the remedy in Section 1005 was necessary and narrowly tailored. That showing will involve an explication of the numerous investigations, reports, articles, and congressional testimony over decades that have documented the discrimination against minority farmers in USDA programs and thus demonstrate that the Government had a strong basis in evidence to conclude that the debt relief to socially disadvantaged farmers and ranchers under Section 1005 was necessary to serve its compelling interests. Defendants will also address the merits of Plaintiff’s two other claims concerning provisions related to “debt forgiveness” as defined by statute. And in addition to the merits of Plaintiff’s claims, Defendants will address the other preliminary injunction factors to show that Plaintiff is not entitled to such relief.

To enable Defendants to adequately address all issues raised in Plaintiff’s preliminary-injunction motion and thereby better assist the Court in resolving that motion, Defendants respectfully request leave to file a response brief of 40 pages. The importance of the issues

involved in the case and the significance of a preliminary injunction against Section 1005's implementation warrant additional pages for Defendants' response.

Finally, counsel for Defendants have conferred with counsel for Plaintiff, and Plaintiff does not oppose this request to file a brief of 40 pages. Accordingly, the Court should grant this Motion and allow Defendants to file their Response in Opposition on the docket as a separate docket entry.

DATE: June 24, 2021

Respectfully submitted,

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CERTIFICATE OF CONSULTATION

I certify that counsel for Defendants conferred with counsel for Plaintiff regarding this Motion, and he indicated that Plaintiff does not oppose this Motion.

s/ Kyla M. Snow